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via electronic filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Notice of *Ex Parte* Meetings
Finalizing FCC Accessibility Proceedings Critical to the Civil Rights of Millions of
Americans
FCC Docket Nos. 03-123, 07-250, 10-191, 10-254, 10-51, 11-43, 12-108, 13-46, 15-178,
15-285, and 16-145

Dear Ms. Dortch:

On Monday, November 21, 2016, staff attorney Drew Simshaw of the Institute for Public Representation (IPR), Georgetown Law, counsel to Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI); Blake Reid, counsel to TDI; IPR clinical law student Thomas Koh; Lise Hamlin of Hearing Loss Association of America; Christian Vogler and Paul Pattak of Gallaudet University; Tony Stephens of American Council of the Blind; Zainab Alkebsi of the National Association of the Deaf; David Bahar of Communication Service for the Deaf; and Mark Richert of American Foundation for the Blind, met with Holly Saurer of Chairman Wheeler's Office, Robin Colwell and Erin McGrath of Commissioner O'Rielly's office, Jennifer Thompson of Commissioner Rosenworcel's office, Daudeline Meme of Commissioner Clyburn's office, and Brendan Carr of Commissioner Pai's office, to discuss the importance of finalizing FCC accessibility proceedings that are critical to the civil rights of millions of Americans. Our comments were consistent with the November 18, 2016 letter filed by Blake Reid, counsel to

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TDI, on behalf of a broad coalition of disability advocacy organizations addressed to the Commissioners, Chairman, and Representatives Upton and Walden.¹

We elaborated on several specific pending items that have been the product of extensive and long-running collaborations between, and hard work by, the disability community, industry, and government.

A. Video Description

We urged the Commission to move forward with a vote on the video description order currently on circulation, so that the hard work of consumer groups, industry, and Commission staff comes to fruition. The order will ensure that people who are blind or visually impaired have access to video programming through the expansion of descriptive audio. We noted that the population that is blind or visually impaired will continue to significantly increase over the next decade, and that this increases the need for access to video programming, which is an important aspect of fully engaging in American cultural and social life. We urge the Commission to act now on expanding video description by voting through this order.

B. Real-Time Text

We reiterated that the technology transition from PSTN to IP offers a once-in-a-lifetime opportunity to make RTT available to everyone on every phone. Indeed, all parties benefit when RTT is implemented on all phones, as consumers gain better accessibility, industry is relieved of needing to comply with outdated TTY requirements, and the Commission saves money with reduced pressure on the TRS fund. We reminded the Commission that RTT was spurred by an industry-initiated rulemaking and that final rules will be the product of years of consensus building among stakeholders, and urged the Commission to act now in order to reap all these advantages during the limited PSTN to IP transition period.

C. iTRS Database Waiver

We also briefly discussed the status of the iTRS database waiver in docket numbers 10-191, 10-51, 03-123. We emphasized how critical passing this waiver is to getting a direct video calling solution deployed.

D. User Interfaces

We expressed the importance of finalizing the Commission's efforts to ensure that closed captioning settings are readily accessible to consumers, and our support for the order on circulation. We reiterated that the order offers a fair and practical solution to the difficulty that

¹ See Letter from Blake E. Reid to Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner O'Rielly, Commissioner Pai, Chairman Upton, and Chairman Walden re: Finalizing FCC Accessibility Proceedings Critical to the Civil Rights of Millions of Americans, FCC Docket Nos. 07-250, 10-254, 11-43, 12-108, 13-46, 15-178, 15-285, and 16-145 (Nov. 18, 2016).

many consumers face in navigating menus on devices where closed captioning settings are not readily accessible. The order also ensures that these settings will be readily accessible on all types of devices in the future. If a consumer cannot readily locate and use display settings that allow them to adjust the font, size, color, background, and location of closed captioning text, then closed captioning is not truly accessible to all consumers. We reiterated that logical and readily accessible interfaces not only help consumers who are deaf and hard of hearing, but also employees of restaurants, bars, hospitals, and nursing homes who must access these settings when needed. We stressed that the order on circulation accounts for previously expressed concerns of industry by offering flexibility in the way that closed captioning settings are made readily accessible.

E. Hearing Aid Compatibility

We reminded the Commission that the issue of Hearing Aid Compatibility (HAC) has remained unsolved for almost a decade. Although cell phone use is more prevalent now than ever, many people with hearing loss are not able to fully utilize the technology – often for the simple reason that their phones are not capable of making the volume loud enough to be useful. We pointed out that the issue of volume control is well known, and was included for comments in the 2010 Review of HAC regulations, and stressed the need for a resolution by year's end.

We reiterate that these items not only address critically important issues of access for our communities, but they have also been the subject of extensive notice and comment rulemakings and diligent, careful work by Commission staff for months and, in some cases, years. They are complete, or substantially so, and voting them out is absolutely essential to protecting the equal access of Americans with disabilities and fulfilling the Commission's mandate under the CVAA and other statutes.

We appreciate the opportunity to discuss these important topics and look forward to working with the Commission and industry stakeholders to finalize these items. Please do not hesitate to contact me if you have any questions regarding this filing.

Respectfully submitted,

/s/

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